# Wesley Chapel Notice of Funding Availability (NOFA) Solicitation ID T33046





Sylvester Turner, Mayor

Keith W. Bynam, Director



#### **AGENDA**

- Funding and Solicitation Schedule
- Public Facilities NOFA Overview/Program Priorities
- ADA Accessibility Standards
- Compliance Requirements
  - Environmental Review
  - MWSBE/Section 3/Pay or Play
- Complaints and Appeals
- Accessing the NOFA
- Submitting an Application
- Comments & Questions

## Funding and Solicitation Schedule Presentation by Linsi Broom

#### Funding

- ~\$3.8 million of Real Estate Acquisition (land and building) from the Homeless and Housing Consolidated Fund 4501.
- Up to ~\$5 million of Community Project Funds (CPF) may be available depending upon approval of the Congressional funds.

#### 2023 Estimated Timeline

NOFA Issued	October 12, 2023
Pre-Application Conference	October 17, 2023
Question Submittal Deadline	October 20, 2023
Final Responses Deadline	October 24, 2023
Proposal Deadline	October 26, 2023

Mail to:HCD\_NOFA@houstontx.gov



### Public Facilities Program Priorities and NOFA Overview

Presentation by Sheronda Ladell

#### Public Facilities Program Priorities

- HCD's Public Facilities Program makes existing low-andmoderate income neighborhoods safer and more sustainable through the construction, renovation, and acquisition of public facilities and improvements in Houston.
- The City seeks to promote neighborhoods by strengthening the coordination of services between government, for-profit, and not-for-profit developers and leveraging public and private resources to maximize development and renovation within the City of Houston.

### Notice of Funding Availability Overview

- Applicants acting individually or as participants in a limited partnership (LP) or limited liability corporation (LLC) that may be owned by the following: For-profit organization including for-profit developers.
- Not-for-profit organizations (including but not limited to cultural organizations and non-profit developers).
- The proposed initiative for the NOFA explores the renovation of the Wesley Chapel AME Church into a cultural arts space and the construction of the surrounding lots into a dynamic mixed-use development with a cultural arts facility, green space, and affordable housing units. Affordable housing may be offered as rental units or individual sale.

#### THRESHOLD ITEMS

- Must not be debarred or suspended
- Must be in good standing with the City (no back taxes owed) and HCD
- ✓ Must be able to provide proof of billing filings with the Secretary of State
- ✓ Must provide Certificate of Account Status from State's Comptroller Office
- ✓ Must provide Current 501(c)(3) or 501(c)(4) tax exempt status, if applicable
- Must meet minimum affordability requirements

New construction

#### Eligible Activities

Rehabilitation

Demolition (with reconstruction)

## Ineligible Activities

Purchase of equipment, fixtures, motor vehicles, furnishings or other items that are not integral structural fixtures

#### Scoring Criteria (Maximum 100 points total)

Community Benefit (25 points)

Feasibility for Operating the Chapel and Housing Units (15 points)

Development Experience and Past Performance (15 points)

Scope of Work and Scope of Services (25 points)

Leverage of funds (10 points)

Resilient Development (10 points)

### Governing Provisions and Limitations

- □This NOFA does not commit the City to award a funding contract, to pay any costs incurred in the preparation of a proposal for funds, or to procure or contract for services or supplies
- Applicants shall not, under penalty of law, offer any gratuities, favors, or anything of monetary value to any officer or employee of the City for the purpose of influencing a favorable disposition toward his/her own proposal or any other proposal submitted



#### **HCD Accessibility Standards**



HCD enforces 2010 ADA Standards for Accessible Design with 11 HUD Exceptions

#### Process to **Evaluating** Accessibility

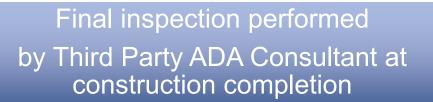
Plan review and comments by HCD's Third Party ADA Consultant



Developer should address the consultant's comments prior to construction



Interim inspections at about 50% completion by Third Party ADA Consultant









## Green Building Standards

- Energy Star (applicable to construction)
- Enterprise Green Communities
- LEED (any level)
- IC-700 National Green Building Standard
- Rehabs Meet HUD CPD
   Green Building Checklist
- Documentation certifying green standards

#### Resilience Standards for New Construction

- Applicants will need a minimum of 10 points from the resilience list in the following categories:
  - Building Protection/Adaptation
  - Back up Measures
  - Community Amenities
    - Green Space
  - Green Building Standard
  - Sustainability
  - Equity Approach



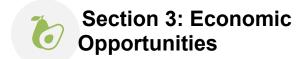
#### Compliance Requirements



**Environmental** 



Minority Women Owned Small Business Enterprise(MW SBE)





Pay or Play (POP)

#### **Environmental Requirements**

HUD 24 CFR Part 58

Presentation by Laura Serrano

## Environmental Review (Land Transfer)

 Major actions, in particular land acquisition and new construction, require a current ASTM compliant Phase I Environmental Site Assessment (ESA).

\*Demolition: Not applicable to the sanctuary. This is a historical site. Refer back to the NOFA proposal.\*

#### Community Project Funding (CPF)

Compliance requirements, as applicable (upon approval of funds)

- Environmental
- MWSBE
- Section 3
- Pay or Play (POP)

#### **Environmental Review**

- Major actions, in particular land acquisition and new construction, require a current ASTM-certified Phase I Environmental Site Assessment (ESA).
- All federally funded projects MUST comply with regulations found at Code of Federal Regulations 24 CFR 58.
- Neither a <u>recipient nor any participant in the development process, including public or private nonprofit or for-profit entities, or any of their contractors, may commit HUD funds on an activity or project until HUD or the state has issued the Authority to Use Grant Funds (AUGF)/approved the recipient's Request for Release of Funds (RROF).</u>
- In addition, until the AUGF has been issued, neither a recipient nor any participant in the development process may commit non-HUD funds on or undertake an activity or project if
  - a) the activity or project would have an adverse environmental impact or
  - b) it would limit the choice of reasonable alternatives.
- An option agreement on a proposed site or property is allowable prior to the completion of the environmental review/AUGF issuance in order to establish site control **so long as**:
  - i) the option agreement is **conditioned on the completion of the environmental review** per HUD requirements and
  - ii) the cost of the option is a nominal portion of the purchase price.



#### **Environmental Review**

- <u>Issuance of the AUGF issued by HUD or the State signifies</u>
  <u>Environmental approval.</u> If the AUGF includes mitigation conditions, these conditions MUST be followed in order for the property to be eligible for federal funding, and documentation of said mitigation must be provided to the HCD Environmental Team and other appropriate parties to the project.
- Lower-level projects, for example, minor to moderate repairs without acquisition, may be environmentally clearable in-house without an AUGF being issued by HUD or the state if no mitigation is required and the scope of work meets all applicable requirements found at 24 CFR 58.35(a).

#### MWSBE Program Requirements

24 CFR 85.36 Chapter 15 Ordinance Part V

Presentation by Tiffany Wyatt



#### **MWSBE** Compliance Requirements

Construction projects will be advertised with a 35% MWBE goal.



The General Contractor shall make Good Faith Efforts to award subcontracts or supply agreements to MWSBEs to achieve goal requirements.



Only firms certified through the City of Houston, Office of Business Opportunity can be used to meet MWBE goal requirements.



For more information about the City of Houston MWSBE certification process, visit: https://houston.mwdbe.com/

# Section 3 Program Requirements

24 CFR Part 75

Presentation by Tiffany Wyatt



#### Section 3 Compliance Requirements

All contractors or subcontractors with a covered contract in excess of \$100,000 will be subject to comply with Section 3 requirements.



If contracting or employment opportunities arise, contractors are required to meet the following Numerical Goal Requirements:

10% of the dollar amount of "hard cost" (construction) should be directed to Section 3 Business Concern(s).

3% of the dollar amount of "soft cost" (non-construction) should be directed to Section 3 Business.

30% of new employment should be directed to Section 3 Workers.

25% or more of the total number of labor hours worked is performed by Section 3 Workers.





## Section 3 Business & Worker Eligibility Criteria:

#### **Section 3 Business Concern**

A Section 3 Business Concern is a business that can provide evidence they meet one of the following:

- At least 51 percent (51%) owned and controlled by low- or very lowincome persons;
- Over 75 percent (75%) of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers; or
- A business at least 51 percent (51%) owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.

#### **Section 3 Worker**

A Section 3 worker is any worker who currently fits, or when hired within the past five years fits, at least one of the following categories, as documented:

- The worker's income for the previous or annualized calendar year is below the income limit established by HUD
- The worker is employed by a Section 3 business concern
- The worker is a Youth Build participant.

## Section 3 Certification Process



To receive credit towards numerical goal requirements, businesses and workers must be certified through the City of Houston, Housing and Community Development Department.



The certification process takes 7 to 14 days once application requirements are met.



To complete the online application to certify as a Section 3 Business Concern, click the following link: https://hcddsection3.gob2g.com/



Section 3 Worker applications may be submitted by email <a href="https://example.com/hcdsection3@houstontx.gov">hcdsection3@houstontx.gov</a> or digitally at https://arcg.is/18iPei



For more information about HCD Section 3 certification process, visit <a href="https://houstontx.gov/housing/section3">https://houstontx.gov/housing/section3</a>. <a href="https://houstontx.gov/housing/section3">https://houstontx.gov/housing/section3</a>.





# Pay or Play (POP)

Executive Order 1 – 7 and Ordinance 2007 - 534

Presentation by LaQuinta Burton



## Covered Contracts

Subcontracts valued at or above \$200K including contingencies, amendments, and supplemental terms;

Professional Service, Construction, and Service type contracts



#### Covered Employees

The program applies to employees of a covered contractor or subcontractor, including contract labor, who are:

- Over the age of 18
- Work at least 30 hours per week
- Work any amount of time under a covered city contract or sub-contract.

#### Pay Option

\$

"Pays" by contributing \$1.00 per covered employee per regular hour for work performed under the contract with the City; and



Funds are deposited in the Contractor Responsibility Fund.

#### **Play Option**

"Plays" by providing health benefits to covered employees. Health benefits must meet or exceed the following standards;



The employer contributes no less than 75% of the total premium costs per covered employee per month toward the total premium cost; and



The covered employee contributes, if any amount, no greater than 25% of the total monthly premium costs.

#### POP Additional Information

HCD provides POP-related help, POP forms, and all POP-related updates through their website <a href="https://www.houstontx.gov/obo/popforms.html">https://www.houstontx.gov/obo/popforms.html</a>

# Complaints and Appeals

Presented by Kris Robinson

### Complaints & Appeals

	Complaint*	Appeal**
Grievance Type	HCDD Operations	HCDD Program Determination
Common Types	<ul><li>Processing Time</li><li>Status Update</li><li>Program Requirements</li><li>Conflict of Interest</li></ul>	<ul><li>Non-receipt of an award</li><li>Denial of services</li><li>Denial of a Resolution</li><li>Procedural error</li></ul>
Est. Written Response	15 days	30-45 days
Resources	https://houstontx.gov/housing/complaints.html	https://houstontx.gov/housing/appeals.html

\*No Complaints will be accepted for NOFAs during the No Contact Period.

\*\*Appeals cannot be filed until after a determination is made.





# Basics of Filing Complaints & Appeals

#### Who can file a Complaint or an Appeal?



<sup>\*</sup>Program participants includes program applicants, developers, contractors, agencies, bidders, vendors, and subrecipients.

#### Complaint or Appeal Filing Requirements?

- First and Last Name
- Address
- Name of Project/NOFA/RFP
- Phone Number
- Preferred Contact Method
- Reason for Complaints or Appeal

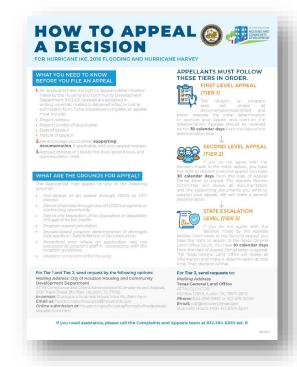
### **Appeals**

#### **Appeal Tier Reviews**

- Tier I: Program Area
- Tier II: Appeals Review Committee
- Tier III: State Escalation\*

#### **Important Timelines**

- Appellant <u>MUST</u> file Appeal <u>in writing</u> within 30 days of award determination
- HCD acknowledges receipt within 1 business day
- Appellant has 5 days to submit supporting documentation
- HCD renders an Appeal Determination Letter within 45 days for NOFAs.



For more information visit https://houstontx.gov/housing/appeals.html

<sup>\*</sup>DR-17 Funded programs ONLY

# Filing Information

Hours of Operation: Monday –Friday 8 A.M. –5 P.M.



#### Hotline\*

832-394-6200 ext. 8



#### **Email**

HCDDComplaintsAppeal@houstontx.gov



#### **In-Person or Mail**

Housing and Community Development ATTN: Complaints & Appeals 2100 Travis Street, 9<sup>th</sup> FL Houston, TX 77002



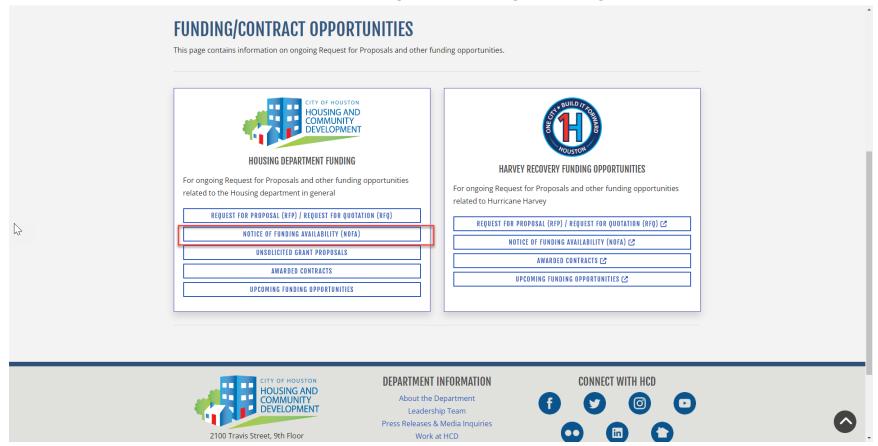




<sup>\*</sup>For complaints ONLY

Presented by Linsi Broom

https://houstontx.gov/housing/funding.html



#### WESLEY CHAPEL NOFA

The City of Houston's Housing and Community Development (HCD) Department plays a crucial role in enhancing and empowering Houston neighborhoods through various programs. The City works hand in hand with government and nonprofit organizations to ensure that public facilities are acquired, renovated, and built to benefit the community.

Currently, HCD is soliciting applications for the development of the 2200 block of Emancipation Avenue within the city's boundaries. As part of this opportunity, the City will provide the selected developer with ownership of the land/deed as a performance-based, forgivable loan for a period of 20 years. To be considered, applicants must demonstrate their ability to construct, rehabilitate, and manage a mixed-use cultural arts public facility and housing development. The applications will undergo a thorough review, underwriting, and scoring process, with awardees selected based on a predetermined set of criteria outlined in the NOFA.

VIEW NOFA (2)

VIEW APPLICABLE NOFA DOCUMENTS >

HCD NOFA DOCUMENT SUBMITTAL PORTAL [2]

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VIEW APPLICABLE NOFA DOCUMENTS ~

https://purchasing.houstontx.gov/Bid\_Display.aspx?id=T33046

#### **City of Houston Strategic Purchasing**

The complete online resource dedicated to doing business with the City of Houston.

5 Suppliers have downloaded this bid.



# Solicitation Files The following documents are for Solicitation T33046: Buyer Email: linsi.broom@houstontx.gov

DATE	SIZE	DOCUMENT/FOLDER	
10/10/2023 2:56:44 PM	1,476KB	T33046 Wesley PF NOFA.pdf	
10/10/2023 3:54:01 PM	84KB	2023 Wesley Chapel NOFA Application Workbook (updated).xlsx	
10/10/2023 3:54:11 PM	17KB	Certification_Regarding_Debarment_Suspension_and_Other_Responsibility_Matters- 081822.doc.docx	
10/10/2023 3:54:21 PM	48KB	Conflict of Interest Questionnaire Form - CoH.pdf	
10/10/2023 3:54:34 PM	394KB	HCD Conflict of Interest Form - Business Entities.pdf	
10/10/2023 3:54:51 PM	135KB	Ownership Form.pdf	

View Interested Suppliers

Please remember that it is still a City policy that a sealed, signed bid be submitted to the City Secretary by the due date. After you submit your bid online, please PRINT and SIGN and SUBMIT to the City Secretary. More details...

#### WESLEY CHAPFL NOFA

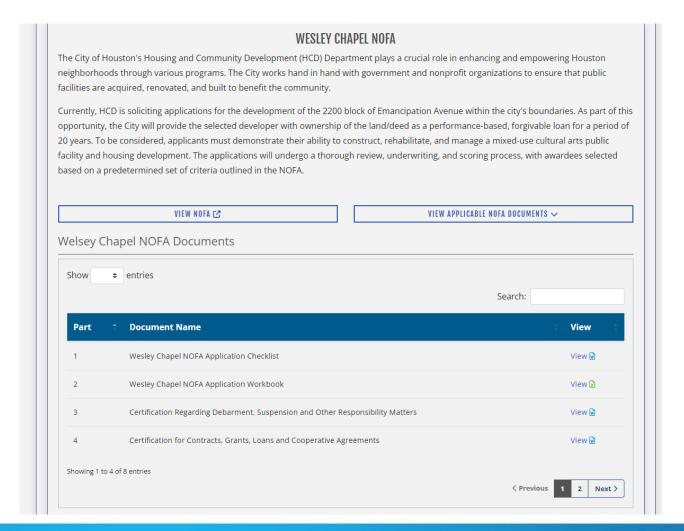
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VIEW NOFA (3)

VIEW APPLICABLE NOFA DOCUMENTS ~

ALLALOFA



# Submitting an Application

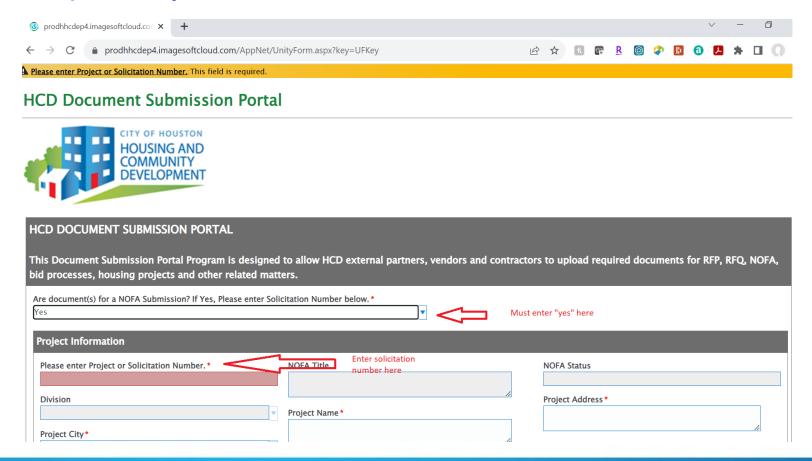
#### Presented by Linsi Broom

Applications will only be received online via HCD Document Submission Portal

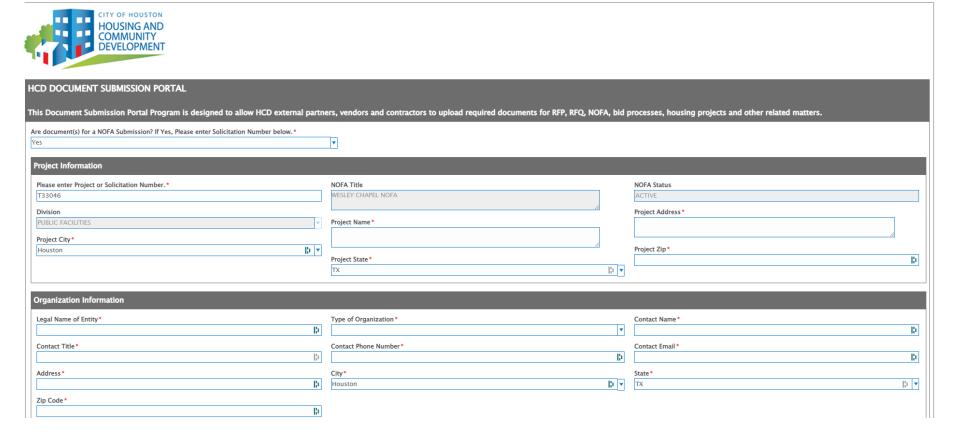
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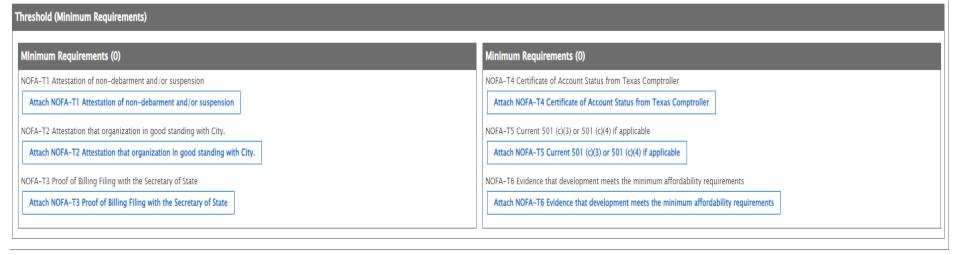


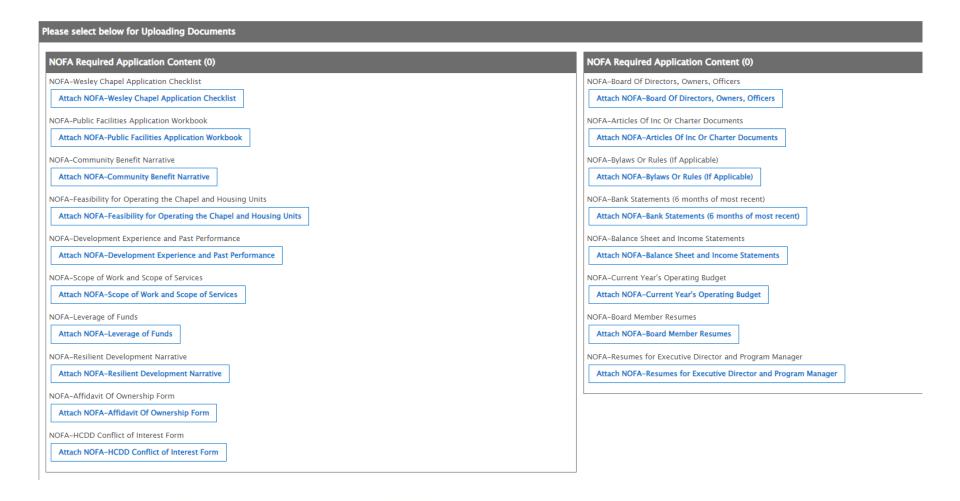
https://bit.ly/NOFA-DocumentPortal



#### **HCD Document Submission Portal**







 All communication must be sent in writing to <u>HCD NOFA@houstontx.gov</u>

 NO DIRECT CONTACT WITH THE PROGRAM AREA

#### No Contact Period

- Neither Applicant(s) nor any person acting on Applicant(s') behalf shall attempt to influence the outcome of the award by the offer, presentation, or promise of gratuities, favors, or anything of value to any appointed or elected official or employee of the City, their families or staff members.
- All inquiries regarding the solicitation are to be directed to the designated City Representative identified on the first page of the NOFA.



#### No Contact Period

• With the exception of Applicant's formal response to the solicitation and written requests for clarification during the period officially designated for such purpose by the City Representative, neither Applicant(s) nor persons acting on their behalf shall communicate with any appointed or elected official or employee of the City, their families, or staff through written or oral means in an attempt to persuade or attempt to persuade or influence the outcome of the award or to obtain or deliver information intended to or which could reasonably result in an advantage to any Applicant from the time of issuance of the solicitation through the pre-award phase and up to the date the City Secretary publicly posts notice of any City Council agenda containing the applicable award.

#### No Contact Period

 However, nothing in this paragraph shall prevent an Applicant from making public statements to the City Council convened for a regularly scheduled session after the official selection has been made and placed on the City Council agenda for action, or to a City Council committee convened to discuss a recommendation regarding the Application.

#### **Comments & Questions**





# THANK YOU



2100 Travis Street, 9th floor, Houston, TX 77002 832-394-6200 | www.houstontx.gov/housing

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